

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SHAWN GREEN,

Plaintiff,

v.

9:14-CV-1215 (BKS/CFH)

D. VENETTOZZI, *et al.*,

Defendants.

Appearances:

Shawn Green

97-A-0801

Clinton Correctional Facility

P.O. Box 2000

Dannemora, NY 12929

Plaintiff, pro se

Denise P. Buckley, Esq.

Hon. Eric T. Schneiderman

Office of New York State Attorney General

The Capitol

Albany, NY 12224

Attorney for Defendants

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Shawn Green, a New York State inmate, brought this action under 42 U.S.C. § 1983 against numerous defendants alleging violations of his rights under the Eighth and Fourteenth Amendments and the Americans with Disabilities Act. Dkt. Nos. 1, 16. On June 28, 2016, Defendants filed a motion for an order revoking Plaintiff's *in forma pauperis* (IFP) status and conditionally dismissing Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915(g) and Fed. R. Civ. P. 11. Dkt. No. 55. Plaintiff responded to the motion on September 9, 2016, and

Defendants filed a reply on September 13, 2016. Dkt. Nos. 60, 61. This matter was referred to United States Magistrate Judge Christian F. Hummel who, on October 31, 2016, issued a Report-Recommendation and Order recommending that Defendants' motion to dismiss the amended complaint and revoke Plaintiff's IFP status be denied without prejudice. Dkt. No. 63. Magistrate Judge Hummel advised the parties that under 28 U.S.C. § 636(b)(1), they could lodge written objections to the Report, and that the failure to object to the Report within fourteen days would preclude appellate review. Dkt. No. 63, p. 8. No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is


ORDERED that the Report-Recommendation (Dkt. No. 63) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion to dismiss and to revoke Plaintiff's *in forma pauperis* status (Dkt. No. 55) is **DENIED** without prejudice; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: November 23, 2016


Brenda K. Sannes
U.S. District Judge